

REVISED

**TYPE II LAND DIVISION
STAFF REPORT & DECISION**

Form DS1200 PLD



Project Name: 50th AVENUE INFILL SHORT PLAT

Case Number: PLD2009-00047; EVR2009-00044

Location: 4117 NE 50th Street

Request: The applicant is proposing to divide an approximately 1.0 acre parcel located in a R1-6 zoning district into 7 single-family residential lots using Tier II infill provisions of the Ordinance.

Applicant: Sterling Design, Inc.
2208 E. Evergreen Blvd., Suite A
Vancouver, WA 98661

Contact Person: Joe Stirling
2208 E. Evergreen Blvd., Suite A
Vancouver, WA 98661
(360) 759-1794 [phone]; (360) 759-4983 [fax]
mail@sterling-design.biz

Property Owner: Russ and Charlene Webb
P.O. Box 345
Vancouver, WA 98666

DECISION

Approve Subject to Conditions

Development Services Manager's Initials:

MS

Date Issued: March 26, 2010

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	Brad Hazen	4346	brad.hazen@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
Development Services Manager:	Michael Butts	4137	michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL (Urban Low Density Residential)

Parcel Number: Lot 2/5 (108182) located in the Southwest quarter of Section 18; Township 2 North; Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections: 40.200 (General Provisions); 40.220.010 (Single-Family Residential Districts, R1-6); 40.260.110 (Residential Infill); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Modifications); 40.610 & 40.620 (Impact Fees); Title 14 (Building and Structures); 15.12 (Fire Code); RCW 58.17 (State Platting Laws); and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Truman Neighborhood Association
Eldon and Venus Kohler
5005 NE 50th Avenue
Vancouver, WA 98661
(360) 624-8434
E-mail: trumanneighborhood@gmail.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 9, 2009. The pre-application was determined to be contingently vested as of March 17, 2009. The fully complete application was submitted on October 13, 2009, and determined to be fully complete on October 27, 2009 [Exhibit 3]. Given these facts, the application is vested on March 17, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on October 27, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapsed on January 13, 2010. A decision was rendered on the application on January 13, 2010 but was subsequently withdrawn with the notation that an amended decision would be issued within 60 days. The 60 days expires on March 28, 2010.

Public Notice:

Notice of application was mailed to the applicant, Truman Neighborhood Association and property owners within 300 feet of the site on November 11, 1009.

Public Comments:

No written comments were received in response to public notice.

Project Overview

The subject 1.0 acre parcel is located on the southeast corner of NE 50th Avenue and NE 42nd Street. An existing residence, a shed and a detached garage are currently located on the property. The dwelling will be situated on resulting Lot 1. Both the shed and garage will be removed from the premises prior to development of the short plat.

The applicant is proposing to divide this 1.0 acre into seven (7) single-family residential lots using Tier II infill provisions of the R1-6 zoning district. Parcels range in size from 4,500 square feet to 7,157 square feet.

The existing dwelling and a residence placed on proposed Lot 2 will derive access from NE 50th Avenue. The other newly created lots will take access directly from NE 42nd Street which will be improved with half-street improvements.

The applicant is requesting a road modification to waive frontage improvements and sight distance requirements along NE 50th Avenue.

The site is located within the Vancouver School District, Fire District #5, and Park District #7.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-6	Acreage homesite
North	Urban Low Density Residential	R1-6	Single family residential subdivision
East	Urban Low Density Residential	R1-6	Acreage homesite
South	Urban Low Density Residential	R1-6	Acreage homesites
West	Urban Low Density Residential	R1-6	Single family residences

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1 – Infill Eligibility

The applicant is proposing to develop this short plat under Tier II infill standards. Criteria for determining whether a parcel is eligible for such development are set forth in CCC 40.260.110(B). The subject 1.0 acre parcel qualifies to be reviewed under these provisions in that it is a legal lot of record, is located within an R1-6 zoning district, contains less than 2.5 acres, and has existing residential development on more than 50% of its non-street perimeter.

Finding 2 – Neighborhood Meeting

CCC 40.260.110(I)(1) requires that a neighborhood meeting be held for Tier II infill developments prior to preliminary application. The applicant submitted documentation of a neighborhood meeting held in accordance with requirements of the infill ordinance [Exhibit 2, Tabs 22(C) and 22(D)].

Finding 3 – Lot Standards

Standards for developing under Tier II infill provisions in an R1-6 zoning district are set forth in CCC 40.260.110(I). Parcels resulting from the proposed land division must comply with the minimum lot area of 4,500 square feet noted in Table 40.260.110-1. In addition, the proposal must also meet a maximum density of 9.7 dwelling units/acres.

A review of the revised preliminary plan [Exhibit 19] reveals that all resulting parcels contain at least 4,500 square feet. Density of the proposed short plat is 7.0 dwelling units/acre which meets the standard identified above.

Finding 4 – Setbacks/Lot Coverage

The applicable setbacks for each lot are as follows:

- Front: 18 feet for garage door or carport entrance; 10 feet for other parts of the dwelling and detached accessory structures
- Side: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures
- Rear: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures except on those lots abutting parcels with existing single family dwellings the setback shall be 10 feet.

Due to the required right-of-way dedication (See *Transportation Finding 2*), the existing residence will no longer meet the prescribed 20-foot front setback from NE 50th Avenue. Since this setback reduction occurred through no fault of the applicant, it shall be considered a legal non-conforming situation.

The revised plan [Exhibit 19] shows building envelopes for the remaining parcels. The envelope on Lot 3 does not correctly reflect the side setback along the west property line of this parcel. This situation shall be corrected on the final plat (See *Condition D-1*).

The subject 1.0 acre parcel is bordered on the south and east by lots which currently contain single family dwellings. As a result, the 10-foot rear yard setback requirement applies to Lots 3 through 7. Based on scale, the building envelopes on these lots correctly reflect this setback.

In order to avoid any confusion at time of building permit issuance, distance of building envelopes to all property lines shall be clearly identified on the final plat (See *Condition D-2*).

Maximum lot coverage by buildings constructed on individual lots may be sixty (60) percent. The revised preliminary plan [*Exhibit 19*] identifies building envelopes that, if fully encumbered with structures, will exceed this standard. To ensure compliance with this code provision, a plat note to this effect will be required (*See Condition D-9-c*).

CCC 40.260.110(F)(1) requires the applicable infill development standards be recorded as a deed restriction with the final plat as a condition of approval (*See Condition D-7-a*). In addition, a plat note will be required to ensure dwellings and other structures constructed on these resulting lots comply with the applicable setbacks and standards (*See Condition D-9-b*).

Finding 5 – Existing Structures

As previously noted, it is the applicant's intention to remove a detached garage and shed from the premises prior to construction of the short plat. A condition will be imposed to ensure these buildings are removed, with the necessary permits, prior to final construction. (*See Condition B-4*)

Finding 6 – Mobile/Manufactured Homes

Pursuant to CCC 40.260.130, manufactured homes may be allowed in residential land divisions in an R1-6 zoning district provided the land division meets certain requirements. The applicant has indicated that he would like to reserve the right for manufactured homes to be placed on individual lots resulting from this proposed subdivision. As required by ordinance, the revised preliminary plan [*Exhibit 19*] contains a note that mobile homes are allowed, and also shows the location and square footage of the building area. In addition, the lots are of sufficient size to accommodate a 24-foot x 36-foot manufactured home and an enclosed single car garage.

In accordance with CCC 40.260.130(C), the final plat shall identify the location, dimensions and square footage of the building area (*See Condition D-3*) and all required setbacks on each lot (*See Condition D-2*). In addition, the plat shall contain a note indicating that mobile homes are permitted (*See Condition D-9-d*).

Mobile homes on lots approved pursuant to CCC 40.260.130(D) shall meet the following requirements:

1. Minimum Size. Two (2) fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.
2. Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.
3. Minimum Roof Pitch and Materials. Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.

4. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.
5. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.
6. Storage or Garage. Each mobile home shall have a minimum of two (2) off street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide a minimum of an enclosed single car garage of not less than two hundred eighty-eight (288) square feet. Each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.
7. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060(2)(e).

These requirements will be placed as a condition for building permit issuance (See *Condition E-1*).

Finding 7 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – NE 42nd Street

NE 42nd Street is classified as an 'Urban Local Access' roadway with a total of 46 feet of right-of-way and a total of 28 feet roadway width including curb/gutter and sidewalk.

The applicant is responsible for dedicating a 23-foot half-width right-of-way and constructing a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 42nd Street (See *Condition A-2-a*).

Finding 2 – NE 50th Avenue

NE 50th Avenue is classified as an 'Urban Local Access' roadway with a total of 46 feet of right-of-way and a total of 28 feet roadway width. The applicant is responsible for 23-foot half-width right-of-way dedication, and a 14-foot half-width roadway constructed with concrete curb/gutter and sidewalk along the frontage of NE 50th Avenue.

The applicant submitted a design road modification application requesting that construction of these frontage improvements along NE 50th Avenue be waived. The improvements would include lowering an existing vertical curve along NE 50th Avenue to improve sight distance. The applicant has subsequently agreed to construct the curb/gutter and sidewalk (See *Condition A-2-b*) but has requested a road modification (See the *Transportation Finding 4*) not to reconstruct the vertical curve.

Finding 3 – Sight Distance

Approval criteria for sight distances are found in CCC 40.350.030(B)(8). This code section establishes minimum sight distances at intersections and driveways. Sight distance is based on 10 times the speed limit of the roadway. Based on the posted speed of 25 mph, sight distance of 250 feet at intersection of NE 42nd Street and NE 50th Avenue is required. The applicant's engineer has stated that sight distance to the south at this intersection is 200 feet. The applicant has requested a design road modification to allow deficient sight distance at this location. The road modification for reduced sight distance has been approved (See *Transportation Finding 4*).

Finding 4 – Road Modification (EVR2009-00044)

The applicant has requested the following road modifications:

1. Frontage Improvements: The applicant is requesting to waive frontage road improvement requirements along NE 50th Avenue.
2. Site Distance: The applicant is requesting to allow a substandard sight distance of approximately 200 feet to the south along NE 50th Avenue at the existing intersection with NE 42nd Street.

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*

- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Applicant's Discussion

1. Frontage Improvements: The applicant's engineer has stated the justification for relief from frontage improvements meets criteria CCC 40.550.010(A)(1)(a) [Exhibits 10 and 11A].
2. Site Distance: Sight distance on NE 50th Avenue at NE 42nd Street is 200 feet looking to the south. County code requires 250 feet of sight distance. As previously noted, sight distance is based on 10 times the speed limit of the roadway. The applicant's proposed mitigation for the deficient sight distance is to install two 20 mph speed limit signs on both sides of this existing vertical curve [Exhibits 10 and 11A].

Staff's Evaluation

1. Frontage Improvements: Staff has analyzed this road modification under guidelines adopted by the Board of Clark County Commissioners Resolution number 2008-12-24, "Guidelines for determining the rough proportionality of developer requirements for urban residential developments". The guidelines are based on the total square foot of new frontage required divided by the total trips per day of the entire development. If this number is less than 160, then the proposed frontage is presumptively proportional [last page of Exhibit 13]. For NE 42nd Street, staff calculated 16.5 feet wide new frontage by 312 feet long (5,148 square feet); then for NE 50th venue staff calculated the code required frontage improvements to equal 3,340.5 square feet (25.5 feet wide by 131 feet long). New frontage for this project is approximately 8,488 total square feet. Total number of trips per day with this short plat is 70 average trips per day (ADT). Therefore, the required square feet of frontage improvements per ADT is equal to 121 square feet (8,488 divided by 70) which is below the 160 range which infers this frontage to be presumptively proportional according to the residential proportionality chart.

The above calculations do not take into consideration the additional off-site frontage improvements that would be necessary in order to lower the vertical curve. The applicant has indicated that, to correct sight distance along NE 50th Avenue, 300 feet of this roadway must be reconstructed. Therefore, the developer must perform 7,650 square feet (25.5 feet wide by 300 feet long) of road improvement along NE 50th Avenue. As a result, the approximate total area of new frontage for both NE 42nd Street and NE 50th Avenue would be approximately

12,798 square feet. Therefore, the required frontage improvement per ADT is equal to 182 square feet (12,798 square feet divided by 70 ADT) which exceeds the 160 square foot range for residential proportionality. In addition, installation of stormwater control, construction of retaining walls, and potentially having to reconstruct existing driveways may further add costs beyond the standard road improvements' costs.

In consideration of necessary additional off-site frontage improvements, staff agrees that the associated cost of lowering the vertical curve and performing the entire off-site work along NE 50th Avenue is disproportional to impacts created by this development. However, staff finds that it is proportional for the applicant to construct improvements along the development site's frontage on NE 50th Avenue and match the frontage improvements to the existing roadway (*See Condition A-2-b*).

2. Site Distance: Prior to Clark County reducing the existing speed limit on a roadway, a speed study needs to be done to determine the 85th percentile of the speed on that roadway. Due to the fact that lowering the existing vertical curve (including off-site frontage improvements) are found to be disproportional to impacts created by this development, and considering the number of trips generated by this development to be low as compared to the existing trips along this road way, the applicant will not be required to achieve the 250 feet of required sight distance.

Based on the above discussion, the first road modification request to waive frontage improvements is conditionally approved as noted. The second road modification to allow a reduced sight distance of 200 feet at the intersection of NE 42nd Street and NE 50th Avenue is approved.

Conclusion (Transportation): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

STORMWATER:

Finding 1 – Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Infill projects that meet eligibility requirements of CCC 40.260.110(B)(1), and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(b) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. The proposed amount of new impervious area that will be created is greater than 5,000 square feet and therefore CCC 40.380.040(b) and CCC 40.380.040(C) apply.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

The applicant has submitted a preliminary stormwater report that indicates water quality management is addressed with a proposed StormFilter (Contech Stormwater Solutions). Water quantity management is addressed with 2 drywells along NE 42nd Street within a private stormwater easement on Lots 6 and 7. For NE 50th Avenue, the applicant is proposing to install a catch basin on NE 50th Avenue at the southern property line with a drywell located on Lot 1 within a private stormwater easement.

The applicant's engineer is relying on a geotechnical report done by Columbia West Engineering for the subdivision immediately to the north of this development site that obtained infiltration rate of 10.9 inches per hour (Odne Estates Subdivision). This information complies with the Stormwater Code as long as infiltration tests at the proposed infiltration are performed to determine the specific design rate (*See Condition A-4-a*).

An overflow system or a route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails (*See Condition A-4-b*).

The infiltration system is proposed to be publicly owned and maintained.

Installation of infiltration systems shall be observed and documented by an engineer licensed in the State of Washington proficient in geotechnical engineering (*See Condition C-1*).

Conclusion (Stormwater): Based upon the development site characteristics, the proposed stormwater plan, requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,500 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated existing fire hydrants are adequate.

Finding 5 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-6-a*).

Finding 6 – Parallel Parking

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING" (*See Conditions A-6-b and D-4*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES

Finding 1 – Water and Sewer

Lots resulting from the proposed short plat are required to connect to public water and sewer. The site will be served by the City of Vancouver for both water and sanitary sewer. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved (*See Condition D-5*).

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have

been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (*See Condition A-7*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Impact Fees

Additional residential lots created by this plat will produce additional impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Vancouver School District with a SIF of \$1,112.00 per dwelling;
- Park District #7 with a PIF of \$1,885.00 per dwelling (\$1,445.00 for acquisition and \$440.00 for development);
- South Orchards sub-area with a TIF of \$3,327.01 per dwelling (\$499.00 – local and \$2,827.96 – regional).

Impact fees shall be paid prior to issuance of building permits for each new lot (*See Conditions D-7-e and E-3*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

DECISION

Based upon the revised preliminary plan [*Exhibit 19*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall dedicate a 23-foot half-width right-of-way and construct 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 42nd Street per the approved engineering drawings conforming to Standard Detail Drawing # 14. (*See Transportation Finding 1*)
- b. The applicant shall dedicate a 23-foot half-width right-of-way and construct 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 50th Avenue to match the existing profile of NE 50th Avenue per Standard Detail Drawing # 14. (*See Transportation Finding 2*)

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall submit an infiltration investigation report for one of the drywells on NE 42nd Street prior to final engineering review. Said report shall include the tested infiltration rate at the location of the drywell and laboratory analysis based on AASHTO Specification M145.

For NE 42nd Street, the applicant shall install a Contech Stormfilter Treatment catch basin with 2 treatment cartridges and two drywells in a private storm easement. For NE 50th Avenue, the applicant shall install one catch basin and a drywell within a private storm easement. At time of construction, all three drywells shall be tested per County Code. Stormwater facilities within the County right-of-way will be publicly maintained, and all stormwater facilities within the private storm easements will be privately maintained. (*See Stormwater Finding 2*)

- b. An overflow system or flow-route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails. (*See Stormwater Finding 2*)

A-5 Erosion Control Plan: The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 Fire Marshal Requirements:

- a. The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (*See Fire Protection Finding 5*)
- b. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (*See Fire Protection Finding 6*)

A-7 Health Department Review: Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (*See Utilities Finding 2*)

A-8 Excavation and Grading: Excavation/grading shall be performed in compliance with CCC Chapter 14.07. A grading permit is required if excavation exceeds 50

cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control:** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control:** Erosion control facilities shall not be removed without County approval.
- B-4 Demolition of Existing Buildings:** Prior to demolition of any structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. (*See Land Use Finding 5*)

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Stormwater:** Installation of infiltration systems shall be observed and documented by an engineer licensed in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. If the infiltration rates are lower than design the engineer shall redesign the stormwater system. The timing of representative infiltration tests will be determined at the pre-construction conference. (*See Stormwater Finding 2*)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** Building Envelope: The building envelope on Lot 3 shall be revised to correctly reflect how the 5-foot side setback along the west property line is measured. *(See Land Use Finding 4)*
- D-2** Building Envelopes: Building envelopes shall be shown on the final plat and shall clearly identify distances to all property lines. *(See Land Use Findings 4 and 6)*
- D-3** In accordance with CCC 40.260.130(C), the final plat shall identify the location, dimensions and square footage of building envelopes shown on all parcels *(See Land Use Finding 6)*
- D-4** For any streets that are less than twenty-four (24) feet wide, "NO PARKING" signs shall be posted prior to recordation of the final plat. *(See Fire Protection Finding 6)*
- D-5** The applicant shall provide documentation from City of Vancouver that water and sewer connections to the new lots have been installed and approved. *(See Utilities Finding 1)*
- D-6** **Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-7** **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Development on Infill Parcels: All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County *(Land Use Finding 5)*.
 1. Setbacks on lots within this development are:
 - Front: 18 feet for garage door or carport entrance, and 10 feet for other detached accessory structures
 - Side: 18 feet for garage door or carport entrance, and 5 feet detached accessory structures
 - Rear: 18 feet for garage door or carport entrance, 5 feet for detached accessory structures; and 10 feet when abutting parcels with existing single family dwellings.
 2. The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%).

- b. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification.
- e. Impact Fees: "In accordance with CCC 40.610, except for Lot 1 with the existing residence, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,112.00 (Vancouver School District); \$ \$1,885.00 (\$1,445.00 – Acquisition and \$440.00 – Development for Park District #7); and \$3,327.01 (\$499.00 – local and \$2,827.96 – regional) in South Orchards TIF sub-area respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-8 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-9 Plat Notes - The following notes shall be placed on the final plat:

- a. Lot Coverage: Lot coverage by all buildings constructed on individual lots shall not exceed sixty (60) percent. (*See Land Use Finding 4*)
- b. Setbacks: Setbacks on lots within this development are:
 - Front: 18 feet for garage door or carport entrance, and 10 feet for other detached accessory structures
 - Side: 18 feet for garage door or carport entrance, and 5 feet detached accessory structures
 - Rear: 18 feet for garage door or carport entrance, 5 feet for detached accessory structures; and 10 feet when abutting parcels with existing single family dwellings.

- c. Lot Coverage: The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%).
- d. Mobile Homes: "Mobile homes are permitted on all lots within this short plat subject to the requirements of CCC 40.260.130."
- e. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- f. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- g. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- h. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E Building Permits

Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Mobile homes placed on any lot within this subdivision shall meet the following requirements: (*See Land Use Finding 6*)
 - a. Minimum Size. Two (2) fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.
 - b. Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.
 - c. Minimum Roof Pitch and Materials. Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.

- d. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.
- e. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.
- f. Storage or Garage. Each mobile home shall have a minimum of two (2) off street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide a minimum of an enclosed single car garage of not less than two hundred eighty-eight (288) square feet. Each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.
- g. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060(2)(e).

E-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*See Fire Protection Finding 2*)

E-3 Impact Fees - The applicant shall pay impact fees as follows:

- a. \$1,112.00 per dwelling for School Impact Fees (Vancouver School District);
- b. \$1,885.00 per dwelling (\$1,445.00 for acquisition and \$440.00 for development) for Park Impact Fees (Park District #7);
- c. \$3,327.01 per dwelling (\$499.00 – local and \$2,827.96 – regional) for Traffic Impact Fees (South Orchards Sub-area).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. (*See Impact Fee Finding 1*)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** All work shall be completed on the engineering drawings and as-built mylar shall be submitted for review and approved.

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Land Division:** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3 Building and Fire Safety:** Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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- H-1 None**

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on March 26, 2010. Therefore any appeal must be received in this office by 4:00 p.m. on April 9, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

- Copy of Revised Preliminary Plan – Exhibit 19

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

